Tho: Frobery

The Arraignment, TRYAL AND CONDEMNATION OF Robert Earl of Essex, AND *HENRY* Earl of *SOUTHAMPTON*,

At *Westminster* the 19th of *February*, 1600. and in the 43 year of the Reign of Queen *Elizabeth*: For Rebelliously Conspiring and Endeavouring the Subversion of the Government, by Confederacy with *TYR-OWEN*, that Popish Traytor and his Complices; of whom, these following, *viz.*

Sir *Christopher Blunt* } Sir *Gillie Merrick*
Sir *Charles Danvers* } and *Henry Cuffe*

Were the 5th of *March* following, by a special Commission of *Oyer* and *Terminer*, Arraigned, Condemned, and Executed.

The PEERS had to their Assistance the Learned JUDGES.

Counsel for the Queen.

Sir *Henry Yelverton*, the Queens Serjeant.
Sir *Edward Cook*, the Queens Attorney General; afterwards Lord Chief Justice of *England*.
Mr. *Bacon*, afterwards Lord Chancellor.

London, Printed for *Tho. Basset*, at the *George* in *Fleet-street*, *Sam. Heyrick*, at *Grayes-Inn-Gate* in *Holborn*, and *Matth. Gillyflower* in *Westminster-Hall*. 1679.

THE Arraignment AND TRYALL OF Robert Earl of Eſſex AND HENRY Earl of *SOUTHAMPTON*

At *Weſtminſter* the 19th of *February*, 1600. and in the 43 year of the Reign of Queen *Elizabeth.*

A Spacious Court was made in *Weſtminſter-Hall*, where the Lord Treaſurer *Buckhurſt* ſate as High Steward of *England*, under a Canopy of State, where ſate alſo about the Table the Earls, Barons and Judges of the Land according to their degrees.

The Judges were theſe.

The Lord Chief Juſtice *Popham*, and the Lord Chief Juſtice *Anderſon.*

The Lord Chief Baron.
Juſtice *Gawdie.*
Juſtice *Fenner.*
Juſtice *Walmeſley.*
Juſtice *Warberton.*
Juſtice *Kingsmill.*
Mr. Baron *Clarke.*

These sate all in the Court next the Barr before the High Steward. Seven Sergeants at Arms came in with Maces before the High Steward, and laid them down before him in the Court. The King at Arms stood on the one side of the High Steward by his Chair of Estate, and one of Her Majesties Gentlemen-Ushers with his White Rod in his hand on the other side. The Clerk of the Crown and his Assistant sate before him to read the Common Indictments and Examinations. The Captain of the Guard (Sir *Walter Rawleigh*) and Forty of the Queens Guard were there to attend the Service. Then the Sergeant at Arms made three *O Yes!* and Proclamation, That the Lord High Steward of *England* commanded Silence, and to hear the *Commission* read, upon pain of Imprisonment. Then the Clerk of the Crown read the *Commission*, whereunto the Earl of *Essex* was very attentive.

Another Proclamation was made, That the Lord High Steward of *England* commanded all Justices, to whom any *Writs* had been directed for this Service, to bring them in, and certifie the same.

Another Proclamation was made by a Sergeant at Arms, That the Lieutenant of the Tower of *London* should return his Precept, and bring forth his Prisoners, *Robert* Earl of *Essex*, and *Henry* Earl of *Southampton*.

Then the Lord High Constable of the Tower, the Lieutenant of the Tower, and the Gentleman Porter, who carried the Ax before the Prisoners came first in, and the Prisoners followed and made their appearance at the Barr, the Gentleman Porter with the Ax standing before them, with the Axes edge from them, and so the Lieutenant delivered his Precept into the Court.

The two Earls (which were Prisoners) kissed one anothers hands, and embraced each other.

Another Proclamation was made, That the Sergeant at Arms to the Queens Majesty do return his Precept of the Names of all the Peers of *Robert* Earl of *Essex* and *Henry* Earl of *Southampton*, the which he delivered into the Court accordingly.

Another

Another Proclamation was made, That all Earls, Viſcounts, and Barons of the Realm of *England* which were Peers of *Robert* Earl of *Eſſex*, and *Henry* Earl of *Southampton*, and ſummoned to appear this day, do make anſwer to their Names upon pain and peril that will fall thereon.

Then the Lords were called, and anſwered and appeared as followeth;

Edward Earl of *Oxford*.
Gilbert Earl of *Shrewsbury*.
William Earl of *Derby*.
Edward Earl of *Worceſter*.
George Earl of *Cumberland*.
Robert Earl of *Suſſex*.
Edward Earl of *Hartford*.
Henry Earl of *Lincoln*.
Charles Earl of *Nottingham*.
Thomas Viſcount *Bindon*.
Thomas Lord *De la Ware*.
Edward Lord *Morley*.
Henry Lord *Cobham*.
Henry Lord *Stafford*.
Thomas Lord *Gray*.
Thomas Lord *Lumbley*.
Henry Lord *Windſor*.
William Lord *Shandois*.
Robert Lord *Rich*.
Thomas Lord *Darcy*.
George Lord *Hunſdon*.
Oliver Lord St. *Johns* of *Bletſo*
Thomas Lord *Burleigh*.
William Lord *Compton*.
Thomas Lord *Howard*, Baron of *Walden*.

Then the Earl of *Eſſex* deſired to know of my Lord Chief Juſtice, whether he might Challenge any of the Peers or No, whereunto the Lord Chief Juſtice anſwered, No: And Mr. Attorney General alledged a Caſe in *Henry* the Eighths time, of my Lord *Darcy*, whereupon the Earl bade them go on.

[When the Lord *Gray* was called, the Earl of *Eſſex* laughed upon the Earl of *Southampton*, and jogged him upon his ſleeve.]

Then they were called to hold up their Hands at the Barr, which they did. And then the Clerk of the Crown read the Indictments. That being done, they were bid to hold up their hands again, which they did, and another Indictment was read, whereunto the Earl of *Eſſex* was attentive. After which the Clerk of the Crown asked them whether they were *Guilty* or *Not Guilty*, they pleaded *Not Guilty*; and for their Tryals they put themſelves upon *God* and their *Peers*: They ſpake this ſeverally.

Then

Then my Lord *High Steward* in a few words gave the the *Peers* a Charge, requiring them to have a due regard of their Conſciences.

Sergeant Yelverton's *Speech.*

Firſt he began to open the Evidence, and ſhewed the effect of the Indictment, and held it in his hand and ſaid as followeth;

May it pleaſe your Grace (ſpeaking to the *High Steward*) about the eighth of *February* laſt my Lord of *Eſſex* (there Priſoner at the Barr) went about with Armed men very rebelliouſly to diſ-inherit the Queen of her Crown and Dignity, which when it came to Her Majeſties Ear, She of Her abounding mercy, ſent to ſee if it were poſſible to ſtop the *Rebellion*; and who did She ſend? She ſent (my Lord) no worſe perſons than my Lord *Keeper*, my Lord *Chief Juſtice* of *England*, the Earl of *Worceſter*, and Sir *William Knowles*, all which went in Her Majeſties name, and commanded the Earls and their Adherents very ſtrictly to diſſolve their Aſſemblies, and to lay down their Arms; but he knowing it, very treacherouſly impriſoned the ſaid Lords and Councellors by her Majeſty ſo ſent, and altogether refuſed Her Majeſties Authority, and divers of their Confederates cry'd out, *Kill them*, *Kill them*, thereby putting Her Majeſties Council in fear of their Lives; and withall, left them with Sir *Jo. Davis* to keep ſafe, leſt they themſelves ſhould miſcarry in the City; but, my Lord, I muſt tell you this by the way, that my Lord of *Eſſex* can no way excuſe nor ſhadow this his *Rebellious Purpoſes*, nor turn his *Actions* to any other intent, for, the ſending of *Temple* his Secretary into *London* the night before manifeſteth his determination, without ſcruple or queſtion; for by that means he was in hopes to have had the help of the Citizens Her Majeſties moſt Loyal and Loving Subjects; and he uſed not only his beſt endeavours to ſtrengthen himſelf abroad, but alſo fortified his Houſe at home with ſtrong Defence and Ammunition, all which were tokens of his inclinations to a ſudden and

unex-

unexpected Rebellion, and well confirmed in the opinion of all the World, when he withstood divers of Her Majesties Subjects standing in Her Highness right, and defence of her Peace against him and his Confederates. Good my Lord, I beseech your Grace, and you my Lords that are the *Peers*, to understand, That if any man do but intend the Death of the King, it is death by the Law, for he is the head of the Commonwealth, and all his Subjects as Members ought to obey and stand with him: But as for this *Rebellion* being duly considered, contains in it many branches of *Treason*, which are and will be directly proved; which being found to be so, my Lords, who are their *Peers*, are to find them guilty; hereof need to be made no doubt, for it is more manifest than the Sedition of *Cateline* to the City of *Rome*, and consequently *England* is in no less danger; for as *Cateline* entertained the most seditious persons about all *Rome* to joyn with him in his Conspiracy, so the Earl of *Essex* had none but *Papists*, *Recusants*, and *Atheists* for his Adjutors and Abettors in their *Capital Rebellion* against the whole Estate of *England*. My Lord, I much wonder that his heart could forget all the Princely Advancements given him by her Majesty, and be so suddenly beslinted, as to turn them all to *Rebellious ends*; but it seems this overweighing a Mans own Conceit, and an aspiring mind to wished Honour, is like the *Crocodile*, which is ever growing as long as he liveth, your Lordships knows in what sort they went into the City, with *Armour* and *Weapons*, and how they returned to *Essex*-house again, as you my Lord Admiral and my Lord of *Cumberland*, with others of their honourable Peers do know, which makes me wonder they do not blush to be so forward to stand upon their Tryals without Confession, when their intended Treasons are in all mens judgements palpable. For my part, my Lord, I can conjecture nothing hereby, and it will not easily out of my conceit, but that there is some further matter in it than as yet appears, but my hope is, that God of his mercy that hath revealed their *Treasons*, will not suffer the rest of his, or any others to the hurt of the State, or prejudice to her Majesties most Royal Person, whom I pray God

long to preserve from the hands of her Enemies: *Amen*, cry'd the Earl of *Essex* and the Earl of *Southampton*, and God confound their Souls that ever wished otherwise to her Sacred Person.

Attorney Gen. May it please your Grace, the Lords Chief Judges, which are the Fathers of the Law, do know, that the thought of *Treason* to the Prince, by the Law is Death; and he that is guilty of *Rebellion*, is guilty of an Intent (by the Laws of the Land) to seek the destruction of the *Prince*, and so adjudged *Treason*; and I will prove this unto your Lordships by two several Cases: First, he raiseth Power and Strength in a settled Government; the Law will not suffer it, but it is construed as in case of *High Treason*; he that doth usurp upon it, the Law doth intend that he hath purposed the destruction of the Prince; he that doth assemble Power, if the King doth Command him upon his Allegiance to dissolve his Company, and he continue it, without any question it is High Treason. He that doth levy Forces to take any Town in the Princes Dominions, it is so likewise; but my Lord of *Essex* hath levied Power to take the Tower of *London*, and to surprise the *Queens own Court*; then this must needs be higher than the highest, and he that doth fortifie himself against the Princes Power, must needs be within the compass of Treason; and by your favour, my Lord of *Essex*, I will now speak a word unto you; for I know you can speak as well as any man, That whereas you say the Law of Nature compelled you to do this, which in Judgment you have, though most treacherously attempted. I will in a word disprove your own judgment, admitting you must make that freely your Argument. First I will open the Quality of your *Rebellion*. Secondly, the Manner of it. Thirdly, I will touch the Circumstances; and lastly, I will observe the Person. The Quality hath *High Treason*; for which I think I shall not need to say any more. For the manner of it, I hold it an unnatural Act, for a natural Subject to commit *Treason* against his natural Sovereign; and methinks it cannot be by any probability denied, but that this *High Treason* is, and must, be both against the *Law of God*,

God, Nature, and Reaſon; and under your Graces Favour, my *Lord*, the manner of it being of ſo high a Nature as it is; muſt needs be *High Treaſon*, which was not only carried in their Hearts, but for a continual Remembrance kept in a black Purſe, which my *Lord* of *Eſſex* wore on his Breaſt next to his Skin. Let me note unto you my good *Lord*, that they being both born under the Government of this Princeſs, and ſo highly advanced by Her Majeſties Favour, ſhould have trembled once to think of ſuch *Rebellion* as they have Enterpriſed. Doth not my *Lord* of *Eſſex* now enjoy his Earldome of *Eſſex* by the Gift of *Henry* the Eighth to his Father? Was not he made Maſter of Her Majeſties Horſe at twenty two years of Age? One of Her Majeſties Council? to be *Earl Marſhal* of *England*? *General* of Her Majeſties Forces in *Ireland*? and laſtly, hath he not received divers Gifts and Summs of Money (to his own uſe) of Her Majeſties Gracious and Princely Bounty, to the Value of thirty thouſand Pound? yet all theſe were as cleverly forgotten, as if they had never been. Now ſhall I ſhew you the Perſon whom this concerns, even Her Majeſties Sacred Perſon, againſt whom their Attempts have been, only for the Undertaking of Gods Cauſe, and exerciſing of Juſtice with admirable Mercy; and though I cannot ſpeak without reverent Commendations of Her Majeſties moſt Honourable Juſtice; yet I think her overmuch Clemency to ſome, turneth to overmuch Cruelty for her ſelf; for though the Rebellious Attempts were ſo exceeding hainous, yet out of her Princely Mercy, no man was Racked, Tortured, or preſſed to ſpeak any thing further, than of their own Accord, and willing minds, for diſcharge of their Conſciences they uttered; and then, to ſee the Mercy of God that will have the Truth known, it is admirable beyond the Conceit of Mans Capacity: For they being ſeverally examined, notwithſtanding, all agreed directly, without varying. But when Her Majeſty ſent a Counſellor of State to have the Earl come before Her, when ſhe heard of his Rebellion, for no other End or Purpoſe but for his Admoniſhment, he refuſed to come; and having a guilty

Conſcience, and ſuſpecting his *Treaſons* were laid open, took conſultation to ſurpriſe the Court and the Tower of *London*, all at one inſtant, and for his purpoſe had appointed *Blunt* the cuſtody of the Gates, Sir *Jo. Davis* of the *Hall*, Sir *Charles Danvers* of the *Preſence*, and himſelf of Her Majeſties Perſon; whereupon *Blunt* ſaid, Ah! in what humors ſhall we find them in at the Court? this was not all, for the Earl he muſt call a *Parliament*, and he would decide matters not making for his purpoſe, but now in Gods moſt juſt Judgement he of his Earldom ſhall be *Robert* the laſt, that of a Kingdom thought to be *Robert* the Firſt, which, my Lord, did not any whit amuſe himſelf to give order, that if he and his Complices ſhould miſcarry in *London*, then the Councellors which he cauſed to be impriſoned in his Houſe ſhould be ſlain, it was plain *Treaſon* in him to ſtand out, being by them charged to diſſolve his Company upon his Allegiance; what ſhall I need to ſtand upon further proofs, it is ſo Evident, and, my Lord, himſelf will not deny, but that he had a Schedule containing in it divers of his Friends names, which, as I conjecture, muſt needs contain ſome other matter, for he durſt not let it come to light, but burnt it: and as for *Owen Salisbury*, *Davis* and *Treſham*, they muſt have the Guard of the Lords of the Council, to uſe them at their pleaſure.

Eſſex. Will your Lordſhip give us our turns to ſpeak, for he playeth the Orator, and abuſeth your Lordſhips ears and us with ſlanders, but they are but faſhions of Orators in corrupt States, conſidering ſome Privileges which we might challenge; equal anſwers and equal hearing were indifferent, for unleſs it will pleaſe your Lordſhip that we might anſwer to every particular, we ſhall ſoon confound our own memories, and give liberty and advantage to our Enemies whereupon to lay hold for lack of preciſe anſwer to each particular Objection; and ſeeing now, my Lord, that you have undertaken the place of a Judge, I beſeech you, as you prove againſt, we for our ſelves may anſwer what may fall out to be fit.

Here

Here the Lord of Eſſex *was interrupted, and not allowed to ſpeak until* Henry Witherington's *Examination was read, which imported thus much:*

Witherington's *Examination.*

That upon the Sunday Morning he was ſent for to Eſſex-*houſe, where he found the place guarded with many Gentlemen in Arms, who told his Uncle that came in his Company, that he feared they were come into an ill Action; my Lord of* Eſſex *bade him very welcome, and intreated him to go with him, for he feared hurt of ſome private Enemies. And when Mr.* Withrington *perceived the Councel were ſtayed, he feared danger to them; for he heard ſome bid* Stab them; *and others,* Let us make an end of them, we ſhall have the fewer to deal withal. *And he proves further, that Order was left, That if the Earl ſhould miſcarry in* London, *then the Lord Keeper and the Lord Chief Juſtice ſhould be killed, and alſo when the Councel had commanded him upon his Allegiance to diſſolve his Forces, he anſwered nothing; he likewiſe ſaw my Lord of* Bedford *brought in that Morning, and Mr.* Witherington *fearing he might be drawn on to his deſtruction, prayed him only to follow him, for when opportunity ſerved in* London, *they would leave the Troop, and that they followed the Earl into* London, *and on a ſudden loſt him.*

Eſſex. I will not (I proteſt to God) ſpeak to ſave my life, for thoſe that proſecute it againſt me, ſhall do me a good turn to rid me of my miſery, and themſelves out of fear; as for Mr. *Withrington,* he does much diſparage himſelf if he ſaith ſo, for I proteſt to God upon my Salvation, I never heard ſuch words as *Kill him, Kill him,* and Mr. *Withrington* came voluntarily to my Houſe, unſent for, and in the fore-noon did come into our Company, and took to heart as much as we did whatever we went about; and theſe are but Reports; for he that is The Witneſs is now ſent into the Country about ſome imployments, but if it had been a *Secret,* Mr. *Withrington* being privie thereto, might have been a good Witneſs, but being ſo openly ſpoken (as you ſay) a hundred

more might have testified it, yet none spake it besides. And as for locking up the Councel, I protest to God it was done in Charity, and without disloyalty, but intending only to save them, lest they should take hurt, considering the people abroad in the Streets with a great and sudden outcry, said, *We shall be slain.* At which time we thought our Enemies had been come to beset the house, for my intent was no otherwise than Loyal to Her Majesty and them.

Earl of Worcest. They proved in Court upon their Honors, that they heard the words, *Kill them, Kill them,* but they would not charge my Lord of *Essex* that they were spoken either hy his privity or command.

Attorn. Gen. Yea, my Lord, you had three hundred men in Arms in your house, why did you not dissolve them, being commanded upon your Allegiance from the Queen to do it?

Essex. They hearing rumours of men about my house against them, put them into such a fear and extasie, that it was not in my power suddenly to dissolve them, or to quench their passions, and the rather for that Sir *Walter Raleigh* desired Sir *Ferdinando Gorges,* to leave their Company, or else they would be all lost, so that they stood amazed, and knew not what to do.

Southampton. Mr. *Attorney* you speak all this as if it were as true as the *Gospel.*

Essex. Good my Lord, let me intreat you to mark the *Circumstances,* word was brought that men were sent for into the Country to take us in our own houses; then we conceiving the thirsty appetite of our private enemies, took our selves to our Arms, and were glad to stand upon our guard for our own defence. But, as for the Lords of the Council that came to my house, we being before advertised that we should be beset, thought it the securest way for those of the Council to keep them there, not knowing what mischief would ensue.

Attorn. Gen. My Lord, your Grace sees that this is without colour or question, for my Lord *Chief Justice* hath proved it plain, that they would not dissolve their Company that was up in Arms, being charged upon their Allegiance so to do.

Essex.

Essex. Good my Lord, know whether it were in my Lord of *Southampton's* power or in mine to withhold their purposes so suddenly: For, not long before Sir *Walter Raleigh* had sent to my house to have Sir *Ferdinando Gorges* to come to him to *Durham-House*, and we fearing him to be a private Enemy, would not suffer Sir *Ferdinando* to go thither, but returned answer, that he would meet him on the water upon equal tearms, where Sir *Walter Raleigh* used the former Speeches to Sir *Ferdinando Gorges*, wishing him to leave our Company, or else he would be undone; and whereas we are charged to have dealt with *Papists*, I assure your Lordship, and it is most true, that *Papists* have been hired and suborned to Witness against me, as by the means of one *Sudall*, who was a *Seminary Priest*, and sent into *Ireland* to deal with Sir *Christopher Blunt*, whom he thought to be inward with me, to touch my Honour and Reputation. Then *Bales* the Scrivener in the *Old Bayly* hath confessed under his hand to forge and counterfeit my hand in at least two Letters, and these two honest Gentlemen can witness it.

Attorn. Gen. I by my troth this is true, but it was by the procurement of one of your own men.

Essex. Thou swearest it, but it is not on a Book; that man thou sayest I procured to do it, his name is *John Daniel* an arrant Thief, one that broke a Standard of mine, and stole a Casket of my Wives, and many other things. It is very probable that I should trust him so far, that had before betrayed me, is it not? But it is well known who set him at work to attempt against me so much as he hath done, to procure my hand to be counterfeited, and yet this man by your Judgement must be a practiser in such matters by my own consent; well, Mr. *Attorney*, I thank God you are not my Judge this day, you are so uncharitable.

Attorn. Gen. Well, my Lord, we shall prove you anon what you are, which your Pride of Heart, and aspiring Mind hath brought you unto.

Essex. Ah! Mr. *Attorney*, lay your hand upon your Heart, and pray to God to forgive us both.

Raleigh. That Sir *Ferdinando Gorges* told me upon the Water,

Water; that my Lord of *Eſſex* had put himſelf into a ſtrong Guard at *Eſſex-houſe*, and this is like to be the bloodieſt day's work that ever was, wiſhing him to go to Court with ſpeed for prevention thereof. Then Sir *Walter* wiſhed Sir *Ferdinando Gorges* to refuſe their Company, elſe he would be undone. *To this Sir* Walter *was ſworn.*

Eſſex. Whatſoever Sir *Walter Raleigh* hath ſaid, differeth altogether from that which Sir *Ferdinando* told us at *Eſſex-houſe* upon his Return from the Water.

Attorn. Gen. Well, my Lord, what can you deviſe to ſay for Sir *John Davis*, another of your *Adherents*? that *Papiſt*, for he hath confeſſed that he is a *Papiſt* and a *Catholick*, and drawn in by Sir *Chriſtopher Blunt*, one of your chiefeſt Counſel, and that he called for a *Seminary Prieſt* upon his convertment to abſolve him.

Eſſex. If Sir *John Davis* were ſuch a man, it cannot be but ſtrange to me to hear it; although I cannot ſearch into the Secrets of his Heart to accuſe him inwardly, yet I have ſeen him dutifully come to Prayers, and to the Service of God in my own Houſe with me, and behaved himſelf very Godlily, and of this I can be witneſs: and as for *Blunt* (God is my witneſs) I have been ſo far from *Popery*, as I have ſo earneſtly dealt with him to reform himſelf, inſomuch, that he hath told me, I have been very paſſionate: But whereas you ſay we have committed *Treaſon*, firſt prove that true.

Sergeant Yelvert. Why, my Lord, if you deny the raiſing the Power, why ſhould ſo many men come to your houſe that day?

Southampt. By your favour, Mr. Sergeant *Yelverton*, a word I hope; for my coming thither, it was not ſtrange news, and when I came that ſame morning to *Eſſex-houſe*, I proteſt I had not above ten or twelve men attending me, which was but my uſual company, therefore far from purpoſing to raiſe a *Tumult.*

Attorn. Gen. Why, the reaſon of that was, for that you thought all *London* would have riſen with you; but good my Lord, I beſeech your Grace to hear the Oath of Sir *Ferdinando Gorges*, whoſe Evidence was read, and himſelf there in perſon did juſtifie the ſame. *Sir*

Sir Ferdinando Gorges *his Confeſſion.*

He depoſeth, that in January *laſt the Earl of* Eſſex *wrote to him a Letter, wherein he complained grievouſly of his miſ-fortunes, and the miſerable Eſtate he ſtood in, whereof he purpoſed ſhortly to free himſelf; and therefore prayed Sir* Ferdinando Gorges *to come up to* London *to him; who coming accordingly, the Earl told him how mightily he was croſſed and diſcredited by his private enemies, which he could not endure; for, ſaith he, I have* 120 *Earls, Barons, and Gentlemen that participate in my diſcontented humour, and will joyn with me, and I deſire your help and counſel therein. One eſpecial Friend I have in the Court, whereby I have intelligence from time to time: And I hold our ſelves indifferently affected by the Citizens of London, and hope to have a good Party in Wales: He confeſſed alſo that they had two ſeveral Meetings at* Drury-houſe *to Conſult of theſe Matters, and the Projects were, whether it were better firſt to ſurprize the Court, or to take the Tower of* London, *or to ſtirr in the City. But moſt agreed firſt to ſurprize the Court, and then and there Sir* John Davis *took Pen, Ink, and Paper, and ſet down, That ſome ſhould keep the Hall, ſome the Court-Gates, ſome the Guard-Chamber, and ſome the Preſence-Chamber; ſaying, many of the Guard had been the* Earl *of* Eſſex *his Servants, and were preferred to the* Queen *by him, and will be more indifferent to deal with than others, and ſo my Lord ſhall have a way through his own Guards to come to the Privie-Chamber, and the Preſence of the* Queen. *And Sir* Ferdinando Gorges *ſaid to the* Earl *of* Eſſex, *Alas, My Lord! what is ſo ſmall a number of men able to do in ſo worthy an Action? and ſo diſſuaded the* Earl *from ſurprizing the Court, and rather bade him ſubmit himſelf to the* Queens *mercy, than proceed any further. And that the* Earl *of* Southampton *ſaid at* Eſſex-houſe, *Is it not three Months ſince this Plot began, and ſhall we reſolve on nothing? Then upon a ſudden they all agreed firſt to ſtir in* London, *where they aſſured themſelves of great favour: and after the Council was locked up, this Deponent followed the Troops into* London, *and after ſome advice the* Earl *of* Eſſex *ſent him back again with a Token to deliver to the Lord Chief Juſtice only, by colour of which Token he ſet at Liberty the Lord Keeper and the reſt. Laſtly, he*

confirmed that he told Sir Walter Raleigh *first upon the* Thames *of my Lord of Eſſex his making his Houſe a* Guard, *and putting his Friends into* Arms, *as it is delivered by Sir* Walt. Raleigh.

Queens Counc. They deſired that the *Examination* of Sir *Cha. Danvers* might be read, which being produced, was then read to this effect:

Sir *Charles Danvers's Examination.*

He confeſſeth that before *Chriſtmas* laſt the Earl of *Eſſex* entred into Conſideration, how he might ſecure himſelf to have acceſs to the *Queens* Preſence without reſiſtance, and that the Reſolution was agreeable to certain Articles written with the Earl of *Eſſex* his own hand, and ſent to the Earl of *Southampton* to ſurprize the Court, and that there were divers Conſultations about it, and the Points were theſe: Firſt, to take the Tower, for it would command *London*, then to ſurprize the *Court*, and after, the *Court* being taken and poſſeſſed, to have aſſembled the reſt of their Friends, and to have preſented themſelves to the *Queen*; and that being done, and the Guard ſecured, Sir *Chriſtopher Blunt* ſhould keep the outward Gates of the Court, Sir *John Davis* the Hall and Water-gate, Sir *Charles Danvers* (this Deponent) ſhould keep the Preſence and Guard-Chamber, and ſeize upon the Halberts and Pentioners Battle-Axes. The Intent was to ſurprize the Captain of the Guard at the Court, or at his own Houſe, and ſome others; and then to ſurprize the City of *London:* And that the Earl of *Eſſex* reſolved (theſe things being accompliſhed) immediately to have called a Parliament to reform Diſorders and private Grievances: That this Deponent utterly diſliked of theſe Courſes, and after the *Alarm* was given at Court, he perſwaded the Earl rather to flee into *Wales*, or other parts beyond the Seas for his ſecurity, and avoiding the imminent danger he was fallen into, than to truſt to the City. And laſtly, he proteſted, for his own part, what he had done in the buſineſs, was meerly for the Love he bore to the Earl of *Southampton*, and not for any Malice or private Diſcontent otherwiſe.

[When this was read, Mr. *Attorney General* produced the *Examination* of Sir *John Davis*, which contained in effect as followeth.]

Sir

Sir John Davis's *Examination.*

He ſaith, that the Earl's Purpoſe was, to poſſeſs himſelf of the Court, and to take the Tower of *London*; and that they had ſeveral Meetings of Conſultation together with the Earl of *Southampton*, Sir *Ferdinando Gorges*, *Jo. Littleton*, Sir *Chriſtopher Blunt*, Sir *Charles Danvers*, and this Deponent. And theſe Matters (he confeſſeth) the Earl of *Eſſex* ſet down all with his own Hand, *viz.* Sir *Chriſtopher Blunt* to keep the outward Gate of the Court himſelf; this Deponent the Hall and Water-gate, and Sir *Charles Danvers* the Preſence and Guard-Chamber; then my Lord of *Eſſex* and his Forces would have come by Land, and ſo have poſſeſſed the preſence of the Queen. The queſtion was asked the Earl of *Eſſex* (as this Deponent ſaith) how he would deal with Offenders, and ſuch as reſiſted him after he ſhould be poſſeſſed of theſe things. He reſolved them by way of Anſwer, that he meant to admit them all to an Honourable Tryal.

There is another Examination of Sir *Chriſtopher Blunt's*, I pray let that be read.

Sir Chriſtopher Blunt's *Examination.*

He ſaith, that four or five days before the Inſurrection in *London*, the Earl of *Eſſex* ſet down divers Articles with his own Hand, with Petitions to the Earl of *Southampton*, Sir *Charles Danvers*, Sir *John Davis*, Sir *Ferdinando Gorges*, *Jo. Littleton* and this Deponent, which were to the Effect, before remembred; and further this Deponent remembreth, that the Earl of *Eſſex* his purpoſe was, (after theſe things ſhould be overpaſſed and ſettled) to alter the State of Government; And further this Deponent confeſſeth himſelf to be reconciled to the Pope; and moreover ſaith, that the Earl of *Eſſex* ſaid, he looked not that any ſhould be troubled for Religion and Liberty of Conſcience; that he received Letters from the Earl of *Eſſex* the twentieth of *January* to come to *London*, whereupon he came.

The Earl *of* Rutland's *Examination.*

He ſaith, that being in *London* with the Earl of *Eſſex*, he heard him crie out in the Streets, *England* is bought and ſold

ſold to the *Spaniard*; and confeſſeth, when they had been poſſeſſed of *London*, their Purpoſe was to have taken the *Lord Keeper* with them to the Court, with the Earl of *Eſſex* his Company, and that the Earl of *Southampton* and Sir *John Davies* were in ſpecial Confederacy and truſt with the Earl of *Eſſex* in theſe Cauſes. Laſtly, That the Earl of *Eſſex* ſaid, he was ſure of Sheriff *Smith*: and this Deponent ſpecially noted, the Earl of *Southampton* was very much diſcontented.

Lord Cromwel's Ex*amination.*

He ſaith, he never heard of the matter till the ſame *Sunday*-morning; when the Earl of *Eſſex*, coming through *Fleet-ſtreet*, where this Deponent lay, and being ſent for by a man of my Lord's, he came into the Street to him, where my Lord and divers of his followers took him by the hand, and bade him welcome, praying him to go along with him; and the Earl of *Eſſex* cry'd, It is for the good of the Queen, and of you all, my Maſters. Firſt, he went to the Mayor's Houſe, and then to Sheriff *Smith's* Houſe; and being in *Gracious ſtreet*, and hearing of the Proclamation, the Earl of *Eſſex* ſaid, Where is the Sheriff? let him bring Muskets and Piſtols; for I am credibly informed out of *Ireland*, that the Kingdom of *England* is ſold to the *Spaniard*: and ſo upon the Proclamation the Deponent left him and his Company.

Lord Sands *his Examination.*

He ſaith, he was ſent for, on *Sunday*-morning, the ſame day, by the Earl of *Eſſex*, and coming to *Eſſex-houſe*, he found then but a few there; but in a ſhort time after, came the Earl of *Southampton* with the reſt. This Deponent agreeth in divers other Circumſtances with former Examinations. He confeſſeth, he went with the Earl into *London*, and came back with him to *Ludgate*, and there being repulſed, he heard my Lord of *Eſſex* cry Charge, Charge, and call for his Horſe: and he ſaith, that Sheriff *Smith* was as far in the Matter as the beſt of them.

Mr. Attorney. Here Mr. Attorney urged, that there was a Combination; and one *Paſhell* affirmed the burning of a black Purſe by the Earl of *Eſſex*, which my Lord confeſſeth, but

but ſaith, that there was nothing in it, but a Key of an Iron-Cheſt, which he took out, and burnt a Paper in the ſame Purſe, which did not contain above five or ſix Lines of ſecret Matter; and for that he would not have ſo much as their Names drawn into queſtion, which were altogether ignorant of theſe Occurrents, did throw the Purſe and Paper into the fire. And alſo *Paſhell* confeſſeth further, that when the Earl of *Eſſex* came out of *London*, to his Houſe, he told them, that he was belov'd in the City.

Lord Mounteagle's *Examination.*

He ſaith, He had no fore-knowledge of theſe Matters, but confeſſeth, he followed the Earl of *Eſſex* down *Fleet-ſtreet*, intending to go to the Mayor, and ſo to his Houſe in *Seething-Lane*. And this Deponent, being with the Earl of *Eſſex* in *Gracious Street*, confeſſeth, he did hear the Earl (when the Lord *Burleigh* came with the Herald of *Arms*) command ſome of his Followers, to bid the Herald ſtay, for he would not hear him abuſe the Queens Name. He ſaith alſo, he went back with the Earl to *Ludgate*, and they were repulſed.

Mr. *Attorney*. Now, my Lord, I beſeech your Grace, and you, my Lords, that be the Peers, let the due Conſideration of theſe ſeveral Examinations and Depoſitions enter into your Hearts; and do but note, they have all agreed and jumped together in each particular point, notwithſtanding they were all ſeverally examined; but I muſt needs think it the juſt Judgment of God, in his meer Mercy towards our Sovereign, to have the Truth ſo marvellouſly revealed, coming from them of their own Accords, without Rack or Torture to any of them.

Eſſex. Mr. *Attorney*, I anſwer then this for that point, the ſelf-ſame Fear, and the ſelf-ſame Examiner, may make theſe ſeveral Examinations agree all in one, were they never ſo far diſtant; but good my Lord, let me intreat your Lordſhip to conſider who they be that teſtifie

this againſt me; My Lord, they are men within the danger of the Law, and ſuch as ſpeak with a Deſire to live, but I think they have much to anſwer for between God and their Souls, and me: I ſee they charge me with the Surprizing of the Tower; but upon what ground do they ſpeak? they had only ſome particular Notes of my Friends names, but ever very ſcornfully daſhed at me; For when my Friends perſwaded me to any courſe, this was my purpoſe; to have come with eight or nine Honourable Perſons, who had juſt cauſe of diſcontentment (though not equal with mine) unto her Majeſty, and ſo by Petition, proſtrating our ſelves at her Majeſties feet, to have put our ſelves unto her Mercy; and the Effect of our Deſires ſhould have been, that ſhe would have been pleaſed to have ſevered ſome from her Majeſty, who, by reaſon of their Potency with her, abuſed her Majeſties ears with falſe Informations: and they were *Cobham*, *Cecil*, and *Raleigh*: For we thought my Lord *Cobham* carried himſelf in ſuch factious and dangerous Courſes, as he told her Majeſty many Untruths, which was a principal Cauſe (as I think) of withdrawing her Favour from us. And to that intent, to remove ſuch from her *Highneſs* (I confeſs) was the only Deſire we had to preſent our ſelves in all humility before her Majeſty, but without any purpoſe of Hurt to her Highneſs: for, I proteſt before God, I do carry a Reverent and Loyal Duty to her Majeſty as any man in the World. But now, my Lord, ſeeing that I have heard the Teſtimony of Sir *Ferdinando Gorges*, and himſelf here in Court to teſtifie it, I will ſay no more, but that if it pleaſe her Majeſty to be merciful unto him, I will be glad, and pray for it; yet whatſoever he hath ſaid, let my Life and his Dealing teſtifie the truth: and, Sir *Ferdinando*, ſpeak nothing to touch thy ſelf, and ſpeak what thou wilt to me; for I ſee thou deſireſt to live, yet ſpeak like a man.

Lord Admiral. I deſire, for the better ſatisfaction of my ſelf and fellow-Peers, that *Gorges* might unfold openly what other Secrets have paſs'd between him and my Lord of *Eſſex*, touching the State.

Eſſex.

Eſſex. Ah, my Lord Admiral, aſſure your ſelf, in faith, no Treaſon ; but yet, I pray thee, good Sir *Ferdinando*, ſpeak openly, whatſoever thou do'ſt remember, and with all my Heart I deſire thee to ſpeak freely.

Gorges. All that I can remember, I have delivered in my Examination, and further I cannot ſay.

Eſſex. Yes, *Ferdinand.* If ever you knew any other matter which contained any Thought of Treaſon or Diſloyalty, ſpeak it ; for they are things not to be forgotten.

Southampton. Good Sir *Ferdinando*, ſatisfie the Court, what was intended among all our Conferences and talk of our Enemies, and Diſcontentments, and Conſultations, what was our beſt Courſe for our Defence againſt them ?

Gorges. Some delivered their minds one way, ſome another ; but, by the Oath I have taken, I did never know or hear any thought or purpoſe of Hurt or Diſloyalty intended to her Majeſties Perſon by my Lord of *Eſſex.*

Lord Admiral. I deſire to know, for the better ſatisfaction of my Conſcience, whether my Lord of *Eſſex* did at any time deliver out any Articles in Writing under his hand, therein laying open the Projects of his Purpoſe for Surpriſing the Court and Tower.

Southampton. It was a fooliſh Action, I muſt needs confeſs, the going through the Town, and that was ſuddenly paſſed over ; but my Lord's purpoſe to have men planted at the Court, was, in regard he feared hindrance by private Enemies, that would have ſtopped his paſſage to the Queen : which, I proteſt, he intended to no other end, but to proſtrate himſelf at her Majeſties feet, and ſubmit to her mercy ; as ye have formerly heard.

Cobham. My Lord of *Eſſex* (quoth the Lord *Cobham*, ſtanding up) let me know, I intreat you, why you lay ſuch Imputations upon me, as you have delivered.

Eſſex. My Lord, I have forgiven all the World, and therefore you ſhall not need to inſiſt upon theſe Circumſtances ; for I lay not my Cauſe upon ought that ſhall do your Lordſhip any harm for my ſake ; for, I proteſt, my heart bears you no Malice, but what I ſpake was freely, and in Gods preſence, hoping

ping her Majeſty would have heard us and our Complaints, being but true; And I do further aſſure your Lordſhip, that I never ſpake it out of Fear of Death, or Deſire of Life.

Bacon. My Lord, may it pleaſe your Grace, whatſoever my Lord of *Eſſex* hath here denied, in my conceit it ſeemeth to be ſmall. I ſpeak not to any ordinary Jury, but to Prudent, Grave, and Wiſe Peers: And this I muſt needs ſay; It is evident that you, my Lord of *Eſſex*, had planted a Pretence in your heart againſt the Government; and now, under colour of Excuſe, you muſt lay the Cauſe upon particular Enemies. You put me in remembrance of one *Piſiſtratus*, that was come into a City, and doting upon the Affections of the Citizens unto him (he having a Purpoſe to procure the Subverſion of a Kingdom, and wanting Aid for the accompliſhing Humour) thought it the ſureſt means for the winning of the hearts of the Citizens unto him, and ſo in that Hope entred the City, and cut his Body over-thwart, to the end they might conjecture he had been in danger: and ſo by this Means held the ſame Conceit as you and your Complices did, entring the City of *London*, perſwading your ſelves, if they had undertaken your Cauſe, all would have gone well on your ſide. And now, my Lord, all you have ſaid, or can ſay, in anſwer to theſe Matters, are but Shadows; and therefore, methinks, it were your beſt courſe to Confeſs, and not to Juſtifie.

Eſſex. May it pleaſe your Lordſhip, I muſt plead Mr. *Bacon* for a Witneſs; for when the courſe of private Perſecution was in hand, and moſt aſſailed me, then Mr. *Bacon* was the man that profered me means to the Queen, and drew a Letter in my name, and in his Brother Sir *Nicholas Bacon's* name, which Letter he purpoſed to ſhew the Queen, and *Goſnal* was the man that brought them unto me; wherein I did ſee Mr. *Bacon's* hand pleaded as orderly, and appointed them out that were my Enemies, as directly as might be; which Letters I know Mr. Secretary *Cecil* hath ſeen, and by him it will appear what Conceit he held of me, and no otherwiſe than he here coloureth and pleadeth the Contrary.

Bacon. My Lord, I ſpent more hours to make you a good Subject, than upon any man in the World beſides; but ſince you

you have ſtirred up this Point my Lord; I dare warrant you this Letter will not bluſh: for I did but perform the part of an honeſt man, and ever laboured to have done you good, if it might have been, and to no other end: for what I intended for your good, was wiſhed from the Heart, without Touch of any man's Honour.

Eſſex. Well my Lord, I do here proteſt before the Living God, that an Honourable Grave and Wiſe Councellor hath lamented and grieved at the Courſes he hath ſeen taken, and therewith hath wiſhed himſelf often dead, and this I ſpeak upon Credible and Honourable Information; but I can prove thus much from Sir *Robert Cecil*'s own mouth; that he, ſpeaking to one of his Fellow-Councellors, ſhould ſay, that none in the world but the *Infanta* of *Spain* had Right to the Crown of *England*.

Here Sir Robert Cecil *ſtepped forth into the Court (having kept himſelf private till then) and humbly deſired Leave to ſpeak to* Eſſex.

Sir *Rob. Cecil.* The Difference between you and me is great; for I ſpeak in the Perſon of an honeſt man, and you, my Lord, in the Perſon of a Traytor: For well I know, you have it at Will. The Preheminence hath been yours, but I have Innocence, Truth of Conſcience, and Honeſty to defend me againſt the Scandal of ſlanderous Tongues, and aſpiring Hearts; and I proteſt before God, I have loved your Perſon, and juſtified your Vertues; and I appeal to God and the Queen, that I told Her Majeſty, your Afflictions would make you a fit Ser-Servant for her. And had not I ſeen your ambitious Affections inclined to Uſurpation, I could have gone on my Knees to Her Majeſty to have done you good; but you have a Sheep's Garment in Show, and in Appearance are humble and Religious; but God be thanked we know you; for indeed your Religion appears by *Blunt*, *Davies* and *Treſham*, your chiefeſt Councellors for the preſent, and by promiſing Liberty of Conſcience hereafter. I ſtand for Loyalty, which I never loſt, you ſtand for Treachery wherewith your Heart is poſſeſſed; and you charge me with high things, wherein I defie you to the uttermoſt. You, my good Lords, Councellors of State have many Conferences, and I do confeſs I have ſaid the King of

Scots is a Competitor, and the King of *Spain* a Competitor, and you I have ſaid are a Competitor; you would depoſe the Queen, you would be King of *England*, and call a Parliament. Ah my Lord, were it but your own Caſe the loſs had been the leſs; but you have drawn a number of Noble Perſons and Gentlemen of Birth and Quality into your Net of Rebellion, and their Bloods will cry Vengeance againſt you. For my part, I vow to God, I wiſh my Soul was in Heaven and my Body at reſt, ſo this had never been.

Eſſex. Ah Mr. *Secretarie*, I thank God for my humbling, that you in the Ruff of your Bravery came to make your Oration againſt me here this day.

Cecil. My Lord, I humbly thank God that you did not take me for a fit Companion for you and your Humours, for if you had, you would have drawn me to betray my Sovereign, as You have done; but I would have you name the Councellour you ſpeak of, name him, name him, name him if you dare, if you dare, I defie you, name him if you dare.

Eſſex. Here ſtands an Honourable Perſon (meaning the Earl of *Southampton*) that knows I ſpeak no Fables; he heard it as well as I.

Cecil. Then my Lord of *Southampton*, I adjure you by the Duty you owe to God, Loyalty and Allegiance you owe to your Sovereign, by all tokens of true Chriſtianity, and by the antient Friendſhip and Acquaintance once between us, that you name the Councellour.

Southamp. Mr. *Secretary*, If you will needs have me name the Councellour, it was Mr. *Comptroller*; whereupon the Secretary falling down upon his Knees, ſaid, I thank God for this day, and upon his Knee, deſired the Lord High Steward, that a Gentleman of the Privy Chamber, (or one that might have Acceſs to the Queen) might go, and humbly intreat Her Highneſs to command Mr. Comptroller to come before your Grace.

Here the Lord High Steward calling Mr. Knevet *(a Gentleman of Her Majeſties Privy Chamber) ſaid unto him, go Mr.* Knevet *unto Her Majeſty, and let Her underſtand Mr* Secretaries *Demand.*

Cecil. Mr. *Knevet*, You ſhall have free Acceſs unto Her Majeſty,

Majeſty, tell Her, that I vow before the God of Heaven, that if ſhe refuſe to ſend Mr. *Comptroller*, whereby I may clear my ſelf of theſe open Scandals; I will rather die at her Foot, (as her Subject and Vaſſal) than live to do her any more Service in this Honourable Degree, wherein her Highneſs employs me. And withal, let me adjure you Mr. *Knevet*, that you do not acquaint Mr. *Comptroller* with the Cauſe why you come for him. Mr. *Knevet* went, and not long after returned with *Mr. Comptroller*, to whom the Lord High Steward repeated the Cauſe why he was ſent for, and deſired him to ſatisfie the Lords, whether *Mr. Secretary* did uſe any ſuch Speech in his Hearing, or to his knowledge.

Mr. Comptroller. I remember that once in *Mr. Secretaries* Company, there was a Book read, that treated of ſuch matters; but I did never hear *Mr. Secretary* uſe any ſuch words, or to that effect; whereupon *Mr. Secretary* thanked God, that though the Earl ſtood there as a Traytor, yet he was found an honeſt man, and a faithful Subject; withal ſaying, I beſeech God to forgive you for this open wrong done unto me, as I do openly pronounce, I forgive you from the bottom of my Heart.

Eſſex. And I, *Mr. Secretary*, do clearly and freely forgive you with all my Soul; becauſe I mean to die in Charity.

Bacon. My Lord, you may now perceive that my Lord of *Eſſex* went about to procure matter, and to give over on the inſtant.

Southamp. Well, I beſeech your Lordſhip, let me ſatisfie your Lordſhip and the reſt thus much, that for my own part, *I* did never know the Laws. Now to ſhew the Cauſes that made me adventure ſo far as *I* did: The firſt occaſion that made me adventure into theſe Courſes, was the Affinity betwixt my Lord of *Eſſex* and me, *I* being of his Blood, and marrying his Kinſwoman; ſo that for his ſake, *I* ſhould have hazarded my Life: But what *I* have by my forwardneſs offended in Act, *I* am altogether ignorant, but in Thought *I* am aſſured never. And if through my Ignorance, in the Law *I* have offended, yet *I* humbly ſubmit my ſelf to Her Majeſty, and from the bottom of my Heart do beg Her Gracious Pardon if it pleaſe Her; and *I* hope that neither your Lordſhip nor any of the Peers will hold any of the former Reſolutions ſpo-

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ken of by these Orators, for any Certainty which depends no otherwise than one upon another. For if any foolish Speeches have passed, I protest, as I shall be saved, that they were never purposed by me, nor understood to be so purposed by me, to the Hurt of Her Majesties Person.

Essex. I beseech your Lordship to understand me, and assure your self, that what I now speak, is not with any Desire (I protest) to spare one Drop of my Blood; and because some Honourable Persons are interessed in the Cause, I would (under favour) signifie, because the Point hath been so much urged by Mr. *Attorney*, that at our Being in *London* when we were past *Pauls*, word was brought me, that the Chain was drawn at *Ludgate*, and that my Lord of *Cumberland* was there; which when I heard, I was right glad: for if there had been Cause, I would have been glad to have put my self into so Honourable a Persons Hands as his; but it was a false Report, for my Lord was not then come thither. After which I went to Sheriff *Smith*'s House, and after my coming thither, I sent the Sheriff and Mr. Alderman *Wats* to my Lord Mayor, desiring him to come to us; if he would not, to send four of his Aldermen to see if we demeaned our selves Loyally, with Intent to put our selves into their Hands to use us as they would, or to put us into any Prison; yet in regard of our private Enemies, and the Fear of their Treachery, we desired them to shut their Gates; and this was the end for which we went into the City.

Attorn. My Lord, if you had no other Purpose, why did you go into *Gracious-street* and *Fanchurch-street*, crying out all the way you went, England *is bought and sold to the* Spaniard?

Southamp. Mr. *Attorn.* I protest (as I hope to have mercy in Heaven) I never heard my Lord speak any such Word, neither did I hear of the Proclamation you speak of, made by my Lord *Burleigh* and the *Herauld at Arms*; neither did I see them, and I deny (my Soul and Conscience bearing me Witness) that I ever knew of any Intent and Meaning, or did ever mean or intend any Treason, Rebellion or other Action against my Sovereign or the State; but only what I did, was to assist my Lord of *Essex* in his private Quarrel; and there-

fore Mr. Attorney you have urged the matter very far, and you wrong me therein, my Blood be upon your head. As for my Lord of *Rutl.* whereas he inferreth againſt me to be a perſuader and inviter of my Lord of *Eſſex* to theſe Actions, he wrongeth me exceedingly; for he was never the man that ſaw me once diſcontented, and therefore had ſmall ground or reaſon ſo to ſay. And you Mr. *Attorney*, whereas you charge me for a *Papiſt*, I proteſt moſt unfeignedly, I was never converſant with any of that ſort; I only knew one *White* a Prieſt that went up and down the Town, yet did I never Converſe with him in all my life.

Eſſex. My Lord, and you that be our *Peers*, I beſeech you give me hearing thus far, not that I will ſpeak it for the ſafe-guard of my life, but with this my deſire I charge the Souls of all them that be our Cenſurers or Triars, becauſe out of a Form and Cuſtom of ſpeaking, theſe Orators would make them more odious that come to the Barr, that I may not be thought to have done this upon revenge: for within theſe few dayes I purpoſed to have received the Communion, to be a teſtimony that I was far from bearing of Malice to any, not ſo much as to my private Enemies. But the falling out between the Earl of *Southampton* and the Lord *Gray* happening on a *Sunday*, hindered my Intent; for ſo ſoon as I knew of it, I found my affections to ſtirr on it exceedingly; yet I have ſince that time laboured and by my Prayers to God earneſtly deſired, that I might be armed with Patience to endure all afflictions. And here I proteſt before the ever-living God, as he may have Mercy on me, That my Conſcience is clear from any Diſloyalty, Thought or Harm to Her Majeſtie; and my Deſire ever hath been to be free from bloodſhed, as Mr. *Dove* can witneſs. But if in all my Thoughts and Purpoſes I did not ever deſire the good Eſtate of my Soveraign and Country as to my own Soul, I beſeech the Lord then ſhew ſome Mark upon me and my Soul in this place, for a juſt Vengeance of my Untruths to all the World. And God which knoweth the Secrets of all Hearts, knoweth that I never ſought the Crown of *England*, nor ever wiſhed to be a higher degree than a Subject. I greatly endeavoured to have brought my Conſcience to Peace, onely by ſeeking to ſecure my Acceſs to the Preſence of the Queen, that I might ſpeedily have unfoulded my Griefs unto Her Majeſtie againſt my private Enemies, but

not to have ſhed one drop of their blood: And this, my Lord, I ſpeak, to the end I might put off all imputation of being an Hypocrite or an Atheiſt; for I was never Papiſt, neither did I ever favour any Sectary (as my Lord of *Canterbury* knoweth, and can teſtifie:) for my Religion it is ſound, and as I live I mean to die in it.

Bacon. Well my Lord, may it pleaſe your Grace, you may ſee how weakly he hath ſhadowed his purpoſe, and how ſlenderly he hath anſwered the Objections againſt him. But my Lord, doubting that too much variety of Matter may miniſter occaſion of forgetfulneſs, I will onely trouble your Lordſhips remembrance with this onely Point, rightly comparing this Rebellion of my Lord of *Eſſex* to the Duke of *Guiſes*, that came upon the Barricadoes at *Paris* in his Dublet and Hoſe attended upon with 8 men; but his Confidence in the City was ſuch, (even as my Lord's was) but when he had delivered himſelf ſo far, and that the ſhallowneſs of his own Conceit could not accompliſh what he expected, the King for his defence taking Arms againſt him, he was glad to yield himſelf, thinking to colour his pretents, turned his practices, and alledged the occaſion thereof to be a private Quarrel.

Eſſex. My Lord, I muſt confeſs it was my fault to ſtand out and to maintain my Houſe with defence and reſiſting; but I will not deny but that my Lord of *Southampton* and Sir *Charles Danvers* did perſuade me to Parley with my Lord General, which I hope your Lordſhip will remember I did yield upon ſome indifferent Terms and Conditions; Which were, firſt, *That I might have an Honourable Tryal.* Secondly, *That I might deliver my Griefs my ſelf to the Queen.* Thirdly, *That I might go in ſafety.* Fourthly, *That I might have my Miniſter with me.* And laſtly, (*which I chiefly begg of Her Majeſtie,*) *That ſhe would be pleaſed to redeem ſome that were with me in the Houſe, and guiltleſs for Knowledg, Intent or Action, of what was by me purpoſed.* All which I thought good to remember, and ſo humbly ſubmit the ſame to, Her Majeſties gratious Pleaſure.

Serjeant at Arms. Then Proclamation was made. *Lieutenant of the* Tower, *withdraw your Priſoners from the Barr.* They being removed, the *Lords* and *Peers* went together into a private place made of purpoſe behind the Canopie and Chair of Eſtate; then the Two Chief Judges and the Lord Chief Baron were ſent for

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in to them to deliver their Opinions in Law: After half an hour they came all out again, and each man took his place; which being done, the Serjeant at Arms begun at the punie Lord, and called *Thomas* Lord *Howard*, who ſtood up bare-headed; then ſaid the Lord High Steward,

Lo. Steward. My Lord *Thomas Howard*, Whether is *Robert* Earl of *Eſſex* guilty of this Treaſon whereupon he hath been Indicted, as you take it upon your Honour, or no?

Lo. Tho. Howard. Whereupon the Lord *Thomas Howard* made anſwer, bending his Body and laying his Left Hand upon his Right Side, ſaid, *Guilty, my Lord, of High Treaſon.* After which manner all the *Peers* found him guilty one after another from the *Punie* to the higheſt, and ſo delivered in like ſort upon their Honours. Being called over anew, they found *Henry* Earl of *Southampton* guilty of High Treaſon alſo.

Serjeant at Arms. Then the Serjeant at Arms commanded the Lieutenant of the *Tower* to bring his Priſoners to the Barr again.

Clerk of the Crown. Then the Clerk of the Crown ſpeaking firſt to the Earl of *Eſſex*, ſaid, *Robert* Earl of *Eſſex*, you have been Arraigned and Indicted of High Treaſon, you have pleaded *Not Guilty*, and for your Trial you have put your ſelf upon God and your Peers; the Peers here (who have heard the Evidence and your Anſwer in your defence) have found you Guilty: Now what can you ſay for your ſelf, why you ſhould not have Judgment of Death?

Eſſex. I onely ſay this, That ſince I have committed that which hath brought me within the compaſs of the Law, I may be counted the Law's Traitor in offending the Law, for which I am willing to die, and will as willingly go thereto as ever did any: But I beſeech your Lordſhip, and the reſt of the Lords here, to have conſideration of what I have formerly ſpoken, and do me the right as to think me a Chriſtian, and that I have a Soul to ſave, and that I know it is no time to jeſt; lying and counterfeiting my Soul abhorreth: for I am not deſperate nor void of Grace now to ſpeak falſely. I do not ſpeak to ſave my life; for that I ſee were vain; I owe God a death, which ſhall be welcome, how ſoon ſoever it pleaſeth Her Majeſtie. And to ſatisfie the Opinion of the World, that my Conſcience is free from

from Atheiſm and Popery, howſoever I have been in this Action miſled to tranſgreſs the Points of the Law in the Courſe and Defence of private Matters, and whatſoever through the weakneſs of my Wit and dulneſs of Memory, or through violent Courſes, (if there be any violent that ſeek either life or death;) or if I have omitted or may have uttered any thing otherwiſe, yet I will live and die in the Faith and true Religion which here I have profeſſed.

Clerk of the Crown. Then the Clerk of the Crown demanded of *Henry* Earl of *Southampton*, What he could ſay for himſelf, why Judgment of Death ſhould not be pronounced againſt him?

Southampton. My Lords, I muſt ſay for my part as I have ſaid before, That ſince the ignorance of the Law hath made me incur the danger of the Law, I humbly ſubmit my ſelf to Her Majeſties Mercy; and therefore my Lord High Steward, and my Lord Admiral, I beſeech you both, that ſeeing you are Witneſſes I am Condemned by the letter of the Law, it would pleaſe you to let the Queen know that I Crave her Mercy. I know I have offended her, yet if it pleaſe her to be Merciful unto me, I may live, and by my Service deſerve my life. I have been brought up under Her Majeſtie, I have ſpent the beſt part of my Patrimony in Her Majeſties Service with danger of my life, as your Lordſhips know; if there were any that could challenge me, that I have ever heretofore committed or intended Treaſon, or any other thing prejudicial to Her Majeſtie or Eſtate, God let me never inherit his Kingdom, neither would I deſire Mercy: but ſince the Law hath Caſt me, I do ſubmit my ſelf to death, and yet I will not deſpair on her Majeſties Mercy; for that I know ſhe is Merciful, and if ſhe pleaſe to extend it, I ſhall with all humility receive it.

Lord Steward. My Lord of *Eſſex*, the Queen's Majeſtie hath beſtowed many Favours on your Predeceſſors and your Self; I would wiſh therefore that you likewiſe would ſubmit your ſelf to Her Majeſties Mercy, acknowledging your Offences, and reconciling your ſelf inwardly to Her Majeſtie, by laying open all Matters that were intended to prejudice Her Majeſtie, and the Actors thereof; and thereby no doubt you ſhall find Her Majeſtie Merciful.

Eſſex. My Lord, you have made an honourable Motion; do but ſend to me at the time of my death, and you ſhall ſee how penitent and humble I will be towards her Majeſty, both in acknowledging her exceeding Favours to my Anceſtors, and to my ſelf; whereby I doubt not but the penitent ſuffering of my Death, and ſprinkling of my Blood, will quench the evil conceited Thoughts of Her Majeſty againſt me. And I do moſt humbly deſire Her Majeſty, that my Death may put a period to my Offences committed, and be no more remembred by her Highneſs. If I had ever perceived any of my Followers to have harboured an evil thought againſt her Majeſty, I would have been the firſt that ſhould have puniſhed the ſame in being his *Executioner*; and therefore I beſeech you, my good Lord, miſtake me not, nor think me ſo proud, that I will not crave her Majeſties Mercy, for I proteſt (kneeling upon the very knee of my heart) *I* do crave her Majeſties Mercy with all humility; yet *I* had rather die than live in Miſery.

Then the Lord High Steward, after a few exhortations unto the Earls to prepare themſelves for God, told them, ſeeing the Law had found them Guilty, *it followed of courſe that he muſt proceed to Judgement.*

The Earl of *Eſſex* replied very cheerfully, and ſaid, yea, my Lord, with a very good will, *I* pray you go on.

Then the *Lord High Steward* gave *Judgment* as followeth:

You muſt go to the place from whence you came, and there remain during Her Majeſties pleaſure, from thence to be drawn on a Hurdle through London *Streets, and ſo to the place of Execution, where you ſhall be hanged, bowelled, and quartered; your Head and Quarters to be diſpoſed of at Her Majeſties pleaſure, and ſo God have mercy on your Souls.*

Eſſex. My Lord, *I* am not a whit diſmayed to receive this *Sentence*, for *I* proteſt Death is as welcome to me as Life, and *I* ſhall die as chearful a death upon ſuch a teſtimony as ever did man. And *I* think it fit my poor Quarters that hath done her Majeſty true Service in divers parts of the world ſhould be ſacrificed and diſpoſed of at her Majeſties pleaſure; whereunto with all willingneſs of heart *I* have ſubmitted my ſelf. But, one thing *I* beg of you my Lords that have free acceſs to her Majeſties perſon, humbly to beſeech her Majeſtie to grant me

that (during the ſhort time *I* ſhall live) that *I* may have the ſame *Preacher* to comfort me, that hath been with me ſince my troubles began, for as he that hath been long ſick is moſt deſirous of the *Phyſician* which hath been and is beſt acquainted with the Conſtitution of his Body; ſo do *I* moſt wiſh to have the comfort and Spiritual Phyſick from the *Preacher* which hath bin and is acquainted with the inward griefs and ſecret affections of my Soul. And my laſt requeſt ſhall be only this, that it will pleaſe her Highneſs that my Lord *Thomas Howard* and the Lieutenant of the *Tower* may be partakers with me in receiving the Sacrament, and be a witneſs of it in token of what *I* have proteſted to be true in this life, for my Loyalty, Religion, and peace of Conſcience, and then whenſoever it ſhall pleaſe her *Majeſty* to call me, *I* ſhall be ready to ſeal the ſame with my blood.

The Lords promiſed they would move the Queen for his requeſts.

Eſſex. I humbly thank your Lordſhips.

Then the Serjeant at Arms ſtood up with the Mace on his ſhoulder, and after *Proclamation* was made, ſaid thus: All *Peers* that were ſummoned to be here this day, may now take their eaſe, and all other Perſons attending here this Service may depart in her Majeſties Peace, for my *Lord High Steward* is pleaſed to diſſolve this *Commiſſion*.

As the Lords were riſing, the Earl of Eſſex ſaid, My Lord *De la Ware*, and my Lord *Morley*, I beſeech your Lordſhips, pardon me for your two Sons that are in trouble for my ſake. I proteſt upon my Soul they knew not of any thing that was or ſhould have been done, but came to me in the morning, and I deſired them to ſtay, and they knew not wherefore. And ſo Farewell, my Lords.

His Epitaph.

There ſleeps great Eſſex, *Darling of Mankind,*
Fair Honours Lamp, foule Envies prey, Arts fame,
Natures pride, Vertues Bulwark, lure of Mind.
Wiſdoms Flower, Valours Tower, Fortunes ſhame,
England's *Sun*, Belgia's *light*, France's *Star*, Spain's *thunder*,
Lisbon's *lightning*, Ireland's *cloud*, *the whole Worlds Wonder.*

FINIS.